

Arkansas Public Defender Commission

Suite 201, 101 East Capitol
Little Rock, Arkansas 72201
(501) 682-9070
Fax: (501) 682-9073

May 3, 2000

Didi H. Sallings
Executive Director

Diana Abney
Executive Assistant

Lance Womack
Barbara Polite
Lanita Bateman
Heather Birch
Investigators/Paralegals

Capital, Conflicts Attorneys

Mac Carder, Jr.
Llewellyn J. Marczuk
Teri Chambers
Elizabeth S. Johnston
Latrece E. Gray
Cheryl V. Upshaw
Phillip M. Hendry

Post Prison Transfer Board Members

P.O. Box 34085
Little Rock, Arkansas 72201

Re: In the matter of the Clemency Hearing for Heath Stocks, ADC# 110429
Hearing Date: May 10, 2000

Dear Board Members:

I am writing to request a continuance from the May 10th hearing to a time in the future where I will be able to present to the Board newly discovered evidence that mitigates Heath Stocks' sentence. Additionally, I would respectfully request that the continuance be granted because I was not the attorney who filed the petition and Heath's case has languished for some time because that attorney has fallen ill. Ms. Cheryl Maples is the attorney who filed the clemency papers for Heath and since that time, she has become sick and unable to continue the representation of Heath. At this time, she is unable to locate the file she had on Heath, which contained copies of the petition and other letters written on Heath's behalf. After Ms. Maples fell ill and out of touch, Heath's grandmother did not have the funds to hire another private counsel and she came to me to see if I could help. As one of Heath's original lawyers in this matter, I wanted to do what I could to see that his case have more of a chance at a just result than it did when it was rushed through the Lonoke County Circuit Court in 1997. Since Heath was left without counsel for his upcoming hearing, and since I feel that there was much more in the way of representation that I could have provided him, had I known about the true facts surrounding his case in 1997, I wanted desperately to do what I could to help him.

From the first day that Heath asked me to assist him at the hearing, I spent many weeks trying to contact Ms. Maples but was unable to reach her. Her phone was disconnected and finally, through two certified letters, I was able to locate her only last week. I finally spoke with her on the phone on Monday, April 24th, and found out that she could not locate Heath's file.

There is also other information as well that I am currently trying to obtain from various sources. Amazingly, it was learned recently, that the Court's file on Heath had mysteriously disappeared from the Lonoke County Circuit Clerk's Office. The clerk was in the process of

reconstructing this file from the prosecutor's file and had requested that I provide her with what file I had on Heath from 1997, so that she could reconstruct the file in its apparent entirety. I did not provide the clerk with any of my files; simply because I have begun to see just how much has been swept under the rug in this case and I wanted to know who got the file, why it was allowed to be removed from the clerk's office and where it presently was; unfortunately, like the file, these answers have not surfaced.

As Heath's counsel, I know that much more is needed to be done in the way of investigation and, most importantly, in condensing his appeal down to a manageable packet. There is a mass of information that I have already received that I feel would be useful to the Board in assessing Heath's petition. There is also much that I have not received but am in the process of obtaining. It is new evidence in that it was not known by me, his original counsel, at the time he pled guilty to three counts of capital murder. Had I known of this information, we would not have entered that plea.

As the Board is aware, if you so decide that Heath's clemency request has no merit, then it will be another four years before he can petition again. I ask the Board to grant me time to make a more presentable case so that all of the new information that I have, and that which I am still learning about, be provided to the Board at his clemency hearing. Due to this great amount of new information, as well as my heavy caseload on death penalty cases throughout the state, I would respectfully ask that the Board grant me until some time in the fall of 2000 to present Heath's appeal to the Board.

Sincerely,

Mac Carder, Jr.

cc: Heath Stocks
Dorothy Stocks
Annie Mae Harris